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**Statement of AAA New York State before the Joint Legislative Public Hearing on the 2021-2022 Executive Budget Proposal for Public Protection, February 10, 2021**

My name is Lauren Paterno, Government Affairs Representative for AAA New York State, an association of the five independent, not-for-profit AAA clubs in New York that collectively serve a membership of 2.9 million drivers. We are pleased to provide testimony today at the Joint Budget Hearing on Public Protection for the 2021-2022 Executive Budget. We thank the members and staff for the Assembly Ways and Means Committee, and the Senate Finance Committee for organizing this hearing.

AAA appreciates that legalization of recreational marijuana may provide the State with revenue to offset some of the current financial circumstances. However, legalization could have a significant impact on our roadways and the technology to discern impairment at the roadside is not yet available. Accordingly, we strongly support the Governor's recommendation to establish the "Traffic Safety Oral Fluid Pilot" program, which can provide law enforcement additional means for accurate sampling in impaired driving cases. In recent years, improvements in oral fluid testing have made this technology more accessible and cost-effective. Like blood, oral fluid contains the active parent drug which is indicative of recent drug use, but it is less invasive and can be analyzed quickly at the roadside (to determine drug *presence*, not *impairment*) to ascertain probable cause or whether a Drug Recognition Expert should be called. AAA recommends certain stakeholders to be included in the pilot to ensure a successful implementation, including law enforcement, toxicologists, traffic safety resource prosecutors, DRE coordinators, device manufacturers, local impaired driving groups, state public health officials and research and/or data analysts. We also commend the Governor for directing funds to the Governor's Traffic Safety Committee to mitigate challenges associated with marijuana legalization.

Additionally, we strongly support the modification of VTL 114-a (definition of Drug) to include any substance listed in PHL 3306 "and any substance or combination of substances that impair, to any extent, physical or mental abilities." This will allow for easier prosecution of drugged driving cases and help to ensure drugged drivers are held accountable.

Despite these laudable provisions, AAA believes additional safeguards are necessary to ensure protection to our roadways. We respectfully recommend the following:

**Establish an Impaired Driving Task Force:** Massachusetts legalized marijuana by a ballot decision in 2016. Shortly thereafter, the state legislature authorized a "Special Commission on Operating Under The Influence and Impaired Driving. This committee brought together a spectrum of stakeholders including police, prosecutors, the criminal defense bar, medical and toxicology professionals, and the civil liberty communities, as

well as AAA. The Massachusetts Legislature passed many of the committee's recommendations into law. We urge the legislature to create a similar task force to study impaired driving and provide recommendations regarding best practices for our roadways.

**Funding for Drug Recognition Experts (DRE) and Advanced Roadside Impaired Driving Enforcement (ARIDE) training:** Additional funding to support DRE and ARIDE training for officers throughout the state is necessary to combat drug-impaired driving – regardless of whether marijuana is legalized. The lack of a breathalyzer-like device for drug-impaired driving makes these police trainings especially important. DRE certification is approved by the National Highway Traffic Safety Administration and provides highly specialized training to observe and detect the specific category of drug causing impairment. ARIDE training was developed by NHTSA intended to bridge the gap between DRE certification and general knowledge of field sobriety testing.

AAA greatly appreciates the opportunity to submit testimony. Thank you.